

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

EXITEXCHANGE CORP. a Texas
corporation

Plaintiff,

vs.

FRIENDFINDER NETWORKS, INC., et al.

Consolidated Civil Action No.:
2:13-cv-396-JRG

CONSOLIDATED CASE

JURY TRIAL DEMANDED

JOINT STATUS REPORT REGARDING
PENDING REEXAMINATION OF THE PATENT-IN-SUIT

Pursuant to the Court's Memorandum Opinion and Orders on Defendants' Motions to Stay Pending Reexamination of the Patent-in-Suit entered March 31, 2014 and April 10, 2014 (Dkt Nos. 76 and 80), Plaintiff ExitExchange Corporation and Defendants Lemuria Communications, Inc. and WZ Communications, Inc. (collectively, "Defendants"), by and through their respective undersigned counsel, submit this Joint Status Report to advise the Court as to the status of the reexamination proceedings before the United States Patent and Trademark Office ("USPTO") and the need to continue the stay of the pending litigation.

In July 2013, Defendants filed related Motions to Stay this litigation pending the ex parte reexamination of U.S. Patent 7,353,229 (the "'229 Patent"). Within those Motions, Defendants informed the Court that the USPTO issued its first office action, rejecting all twenty-two (22) claims of the '229 Patent, on June 26, 2013.

On August 27, 2013, the patentee filed a response to the rejection wherein eighteen (18) claims of the '229 Patent were voluntarily cancelled by the patentee, four (4) of the original claims were argued, and fifty-seven (57) new claims were added.

On November 13, 2013, the USPTO issued a second Office Action, wherein it again rejected the four (4) original claims of the '229 Patent, and also rejected all fifty-seven (57) new claims of the '229 Patent.

On February 12, 2014, the patentee filed a response to the rejection wherein the response included eighteen (18) cancelled claims, two (2) withdrawn claims, and sixty-four (64) currently pending claims.

On April 15, 2014, the USPTO issued a Final Rejection of all claims, wherein it rejected the pending claims 9, 10, 19, 20, 23-80 and newly submitted claims 81-84. Thus, all of the claims of the '229 Patent remain either rejected or voluntary cancelled.

On July 2, 2014, the patentee filed a Notice of Appeal to the Board of Patent Appeals and Interferences.

Most recently, on October 14, 2014, U.S. Mail sent to the Third Party Requester from the USPTO was returned to the patent examiner as undeliverable, with no forwarding location.

On December 1, 2014 the patentee timely filed an Appeal Brief to The Board Of Patent Appeals And Interferences.

Plaintiff and Defendants respectfully file this notice to provide the Court with a further update regarding the status of reexamination. True and correct copies of the last Office Action and Notice of Appeal are attached as Exhibits A & B to this Joint Status Report.

Dated: December 8, 2014

Respectfully submitted,

By: /s/ Susan D. Pitchford

Susan D. Pitchford
Kevin L. Russell
(To Be Admitted Pro Hac Vice)
CHERNOFF VILHAUER LLP
601 SW Second Avenue
Suite 1600
Portland, OR 97204
Telephone: (503) 227-5631
Facsimile: (503) 278-4373
Email: sdp@chernofflaw.com
Email: Kevin@chernofflaw.com

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
Jeffrey D. Rambin
State Bar No. 00791478
CAPSHAW DERIEUX, L.L.P.
114 E. Commerce Ave.
Gladewater, Texas 75647
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
Email: ccapshaw@capshawlaw.com
Email: ederieux@capshawlaw.com
Email: jrambin@capshawlaw.com

ATTORNEYS FOR PLAINTIFF
EXITEXCHANGE CORP.

/s/John M. Jackson

David Folsom
Texas Bar No. 07210800
dfolsom@jw.com
John M. Jackson
Texas Bar No. 24002340
jjackson@jw.com
Nathaniel St. Clair, II
Texas Bar No. 24071564
nstclair@jw.com
Matthew C. Acosta
Texas Bar No. 24062577

macosta@jw.com

JACKSON WALKER LLP
901 Main Street, Suite 6000
Dallas, Texas 75202
Telephone: (214) 953-6000

ATTORNEYS FOR DEFENDANTS
LEMURIA COMMUNICATIONS, INC. and
WZ COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing is being served via the Court's CM/ECF system on December 8, 2014 on all counsel of record who consent to electronic service per Local Rule CV-5(a)(3).

/s/ John M. Jackson
John M. Jackson